

**CERTIFIED FOR PUBLICATION**  
**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**FOURTH APPELLATE DISTRICT**  
**DIVISION THREE**

HELENE HASSO,

Plaintiff and Respondent,

v.

RONALD D. HASSO et al.,

Defendants and Appellants.

G036369

(Super. Ct. No. A182042)

ORDER MODIFYING OPINION  
AND DENYING PETITIONS FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed herein on March 6, 2007, be modified as follows:

On page 17, strike the last sentence of the first paragraph, which begins with the words, “Moreover, in seeking instructions, the trustee . . . .” and replace with the following sentences:

“In context of the trustee’s petition and the court’s decision, the choice of the word “treat” instead of the word “characterize” cannot be read as having anything whatsoever to do with the trustee’s discretion, if any, to *adjust* the allocation between principal and income under the conditions specified in section 16336. Whether circumstances exist that would allow the trustee to exercise such discretion was not an issue presented to the trial court on the cross motions for summary judgment and we

express no opinion on the issue. Accordingly, Ronald's argument in this regard provides no basis for reversal. Similarly, we express no opinion as to whether the judgment is res judicata on the section 16336 issue on the ground it *could* have been raised in this case."

The petitions for rehearing are DENIED.

The modification does not change the judgment.

IKOLA, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

ARONSON, J.